

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DEMETRIUS TOMAZ ROGERS,)
))
 Plaintiff,))
))
v.)) **Case No. CIV-12-373-R**
))
RAYMOND E. DENECKE,))
))
 Defendant.))

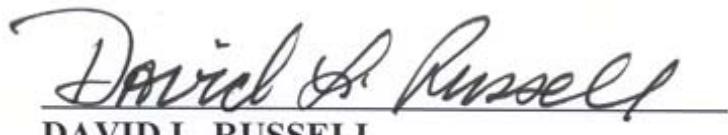
ORDER

Before the Court is the Report and Recommendation of Magistrate Judge Robert E. Bacharach entered June 26, 2012 [Doc. No. 10] and Plaintiff's Objection to the Report and Recommendation filed July 16, 2012 [Doc. No. 11]. Also before the Court is Plaintiff's "Motion to Summons Defendant(s)" [Doc. No. 12]. The Court reviews the Report and Recommendation *de novo* in light of Plaintiff's objection.

Plaintiff argues that Defendant, a public defender acting as Plaintiff's lawyer at the time in question, was acting under color of state law. Plaintiff is wrong. *See Polk County v. Dodson*, 454 U.S. 312, 325, 102 S.Ct. 445, 70 L.Ed.2d 509, 521 (1981); *Thomas v. Dona Ana County District Attorney*, 361 Fed. Appx. 965, 967 (10th Cir. 2010).

In accordance with the foregoing, the Report and Recommendation of the Magistrate Judge is ADOPTED, Plaintiff's 42 U.S.C. § 1983 claim is DISMISSED and the Court declines to exercise supplemental jurisdiction over Plaintiff's state law claim. Plaintiff's "Motion to Summons Defendant(s)" [Doc. No. 12] is DENIED as moot.

IT IS SO ORDERED this 19th day of July, 2012.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE